

Message Text

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62/60

ORIGIN MC-02

INFO OCT-01 PM-03 ISO-00 EUR-12 L-02 DODE-00 EB-07 NSAE-00

TRSE-00 AEC-05 CIAE-00 COME-00 ACDA-05 NSC-05 SP-02

SS-15 H-01 SAJ-01 /061 R

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P 130027Z FEB 75

FM SECSTATE WASHDC

TO USMISSION NATO

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C O R R E C T E D C O P Y (2ND LINE OF SUBJECT OMITTED)

E.O. 11652: N/A

TAGS: MARR, MILI, NATO, TU

SUBJECT: COMMERCIAL SALES BY U.S. FIRMS TO TURKEY IN
RELATION TO NATO INFRASTRUCTURE PROJECTS

REFERENCE: NATO 647, 714, 718 (NOTAL)

1. PUB. LAW 93-559 AMENDED SECTION 620 OF FOREIGN ASSIST-
ANCE ACT OF 1961 BY ADDING NEW SUBSECTION AS FOLLOWS:

"(X) ALL MILITARY ASSISTANCE, ALL SALES OF DEFENSE ARTICLES
AND SERVICES (WHETHER FOR CASH OR BY CREDIT, GUARANTY, OR
ANY OTHER MEANS), AND ALL LICENSES WITH RESPECT TO THE
TRANSPORTATION OF ARMS, AMMUNITIONS, AND IMPLEMENTS OF WAR
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(INCLUDING TECHNICAL DATA RELATING THERETO) TO THE

GOVERNMENT OF TURKEY, SHALL BE SUSPENDED ON THE DATE OF ENACTMENT OF THIS SUBSECTION UNLESS AND UNTIL THE PRESIDENT DETERMINES AND CERTIFIES TO THE CONGRESS THAT THE GOVERNMENT OF TURKEY IS IN COMPLIANCE WITH THE FOREIGN ASSISTANCE ACT OF 1961, THE FOREIGN MILITARY SALES ACT, AND ANY AGREEMENT ENTERED INTO UNDER SUCH ACTS, AND THAT SUBSTANTIAL PROGRESS TOWARD AGREEMENT HAS BEEN MADE REGARDING MILITARY FORCES IN CYPRUS: PROVIDED, THAT THE PRESIDENT IS AUTHORIZED TO SUSPEND THE PROVISIONS OF THIS SECTION AND SUCH ACTS IF HE DETERMINES THAT SUCH SUSPENSION WILL FURTHER NEGOTIATIONS FOR A PEACEFUL SOLUTION OF THE CYPRUS CONFLICT. ANY SUCH SUSPENSION SHALL BE EFFECTIVE ONLY UNTIL FEBRUARY 5, 1975, AND ONLY IF, DURING THAT TIME, TURKEY SHALL

OBSERVE THE CEASEFIRE AND SHALL NEITHER INCREASE ITS FORCES ON CYPRUS NOR TRANSFER TO CYPRUS ANY UNITED STATES SUPPLIED IMPLEMENTS OF WAR."

2. WHITE HOUSE STATEMENT OF FEBRUARY 5, 1975 IN THIS REGARD IS AS FOLLOWS: "LEGISLATION ENACTED BY CONGRESS REQUIRES THAT ARMS DELIVERIES TO TURKEY MUST BE SUSPENDED FEBRUARY 5. THE ADMINISTRATION WILL COMPLY FULLY WITH THE LAW. HOWEVER, IT SHOULD BE MADE CLEAR THAT MILITARY AID TO TURKEY IS NOT GIVEN IN THE CONTEXT OF THE CYPRUS ISSUE, NOR HAS IT BEEN GRANTED AS A FAVOR TO TURKEY. RATHER, IT IS BASED ON OUR COMMON CONCLUSIONS THAT THE SECURITY OF TURKEY IS VITAL TO THE SECURITY OF THE EASTERN MEDITERRANEAN AND TO THE SECURITY OF THE UNITED STATES AND ITS ALLIES.

A SUSPENSION OF MILITARY AID TO TURKEY IS LIKELY TO IMPEDE THE NEGOTIATION OF A JUST CYPRUS SETTLEMENT. FURTHERMORE, IT COULD HAVE FAR-REACHING AND DAMAGING EFFECTS ON THE SECURITY AND HENCE THE POLITICAL STABILITY OF ALL THE COUNTRIES IN THE REGION. IT WILL AFFECT ADVERSELY NOT ONLY WESTERN SECURITY BUT THE STRATEGIC SITUATION IN THE MIDDLE EAST. IT CANNOT BE IN THE INTEREST OF THE UNITED STATES TO TAKE ACTION THAT WILL JEOPARDIZE THE SYSTEM ON WHICH OUR RELATIONS IN THE EASTERN MEDITERRANEAN HAVE BEEN BASED FOR 28 YEARS.

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WHEN IT IS SEEN THAT THE UNITED STATES IS TAKING ACTION WHICH IS CLEARLY INCOMPATIBLE WITH ITS OWN INTERESTS THIS WILL RAISE GRAVE DOUBTS ABOUT THE CONDUCT OF AMERICAN FOREIGN RELATIONS EVEN AMONG COUNTRIES THAT ARE NOT DIRECTLY INVOLVED IN THAT AREA.

THE ADMINISTRATION JUDGES THESE ADVERSE EFFECTS OF A

SUSPENSION OF AID TO TURKEY TO BE SO SERIOUS THAT IT URGES THE CONGRESS TO RECONSIDER ITS ACTION AND AUTHORIZE THE RESUMPTION OF OUR ASSISTANCE RELATIONSHIP WITH TURKEY."

3. SUSPENSION IMPLEMENTED AT 11:59 PM, EASTERN STANDARD TIME, FEBRUARY 5, 1975, AS PRESIDENT'S WAIVER MADE UNDER PROVISIO CLAUSE WAS ABOUT TO EXPIRE. THUS, AT THIS TIME, DEPT. CANNOT APPROVE APPLICATIONS FOR LICENSES AND MANUFACTURING LICENSE AND TECHNICAL ASSISTANCE AGREEMENTS WHICH WOULD AUTHORIZE THE EXPORT, OR TRANSFER, TO GOT, WHETHER FOR ITS OWN ACCOUNT OR AS THE AGENT FOR ANOTHER ENTITY, OF ARMS, AMMUNITION, IMPLEMENTS OF WAR OR RELATED TECHNICAL DATA.

4. ESSCO REPRESENTATIVE MR. DAVID MILLER HAS INQUIRED OF DEPT. (PM/MC) AS TO WHETHER HIS FIRM SHOULD SIGN CONTRACT WITH MOD TURKEY, ACTING ON BEHALF OF NATO INFRASTRUCTURE. HE HAS BEEN INFORMED TELEPHONICALLY THAT DEPT. CANNOT ADVISE HIM WITH REGARD TO THE SIGNING OF CONTRACT OVER WHICH WE HAVE NO CONTROL BUT CAN ADVISE HIM THAT SHOULD HIS FIRM SUBMIT (A) AN APPLICATION FOR LICENSE TO EXPORT ANY MUNITIONS LIST ARTICLES OR TECHNICAL DATA, OR (B) AN AGREEMENT TO PROVIDE TECHNICAL ASSISTANCE TO GOT SUCH REQUEST COULD NOT BE APPROVED UNDER PRESENT LAW NO MATTER ON WHOSE BEHALF GOT ACTING. DEPT. EXPLORING WITH ESSCO REP QUESTION AS TO WHETHER RADOMES SUBJECT TO MUNITIONS CONTROL LICENSING REQUIREMENTS.

5. DEPT. HAS CONSIDERED POSSIBILITY OF TRYING TO AVOID INJURY TO ECONOMIC INTERESTS OF U.S. FIRMS BY SUGGESTING TO NATO MODIFICATION OF CONTRACT PROCEDURES WHEREBY CONTRACTING PARTIES WOULD BE U.S. FIRM AND NATO AGENCY. HOWEVER, IT IS OUR UNDERSTANDING THAT GOT FORCES WOULD IN ANY LIMITED OFFICIAL USE

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EVENT BE RESPONSIBLE FOR OPERATION OF NADGE FACILITIES SITUATED IN TURKEY. IF SO, IDENTITY OF GOVERNMENT OF TURKEY AS END USER OF EXPORTED ITEMS AND DATA WOULD PRECLUDE APPROVAL OF MUNITIONS CONTROL EXPORT LICENSES UNDER PROVISIONS OF STATUTE QUOTED IN PARAGRAPH 1.

6. STATUTE QUOTED IN PARAGRAPH 1 ABOVE PROHIBITS DEPT. FROM ISSUING LICENSES FOR TRANSPORTATION OF ITEMS OR TECHNOLOGY ON U.S. MUNITIONS LIST TO TURKEY. CONCLUSION SEEMINGLY DRAWN BY HUGHES AIRCRAFT WITH RESPECT TO ITEMS MANUFACTURED BY SUBCONTRACTORS IN EUROPE (US NATO 714, 718) IS NOT NECESSARILY ACCURATE SINCE STATUTE DOES NOT PURPORT TO PREVENT TRANSFERS OF ITEMS OR EQUIPMENT FROM THIRD COUNTRIES WHERE USG CONSENT TO SUCH TRANSFERS IS NOT REQUIRED.

7. YOU MAY DRAW ON FOREGOING AS APPROPRIATE, WITH EX-
CEPTION INFO PARA 4, TO EXPLAIN CURRENT USG POSTURE. WE
ARE CONTINUING TO STUDY THIS ISSUE AND WILL PROVIDE
GUIDANCE AS AVAILABLE.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SALES, BUSINESS FIRMS, MILITARY BASES
Control Number: n/a
Copy: SINGLE
Draft Date: 13 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE032756
Document Source: CORE
Document Unique ID: 00
Drafter: PM/MC:CGBRYANT, JR.
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750051-1020
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750245/aaaabonp.tel
Line Count: 176
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN MC
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 NATO 647, 75 714, 75 718
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 22 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <22 APR 2003 by ShawDG>; APPROVED <19 MAY 2003 by MorefiRH>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: COMMERCIAL SALES BY U.S. FIRMS TO TURKEY IN RELATION TO NATO INFRASTRUCTURE PROJECTS
TAGS: MARR, MILI, TU, US, NATO
To: NATO BRUSSELS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006